

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 11-21 are now present in this application. Claim 11 is independent.

Amendments have been made to the Title, claims 1-10 have been canceled, and claims 11-21 have been added. Reconsideration of this application, as amended, is respectfully requested.

I. Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

II. Drawings

Applicants have not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

III. Title of the Invention

Applicants have amended the Title of the Invention in order to better reflect the subject matter claimed.

IV. Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-7 stand rejected under 35 U.S.C. § 102(b)) as being clearly anticipated by Morikawa et al. Further, claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morikawa et al. in view of Agostini. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 1-10 have been cancelled, thus rendering this rejections under 35 U.S.C. § 102 and § 103 moot. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

V. Claims 11-21

Claims 11-21 have been added for the Examiner's consideration.

Independent claim 11 recites a combination of elements in a disk transferring device for a disk drive including a moving unit, a balance guide unit, a holder guide unit, a selection guide unit which is connected with the holder guide unit

for positioning the disk according to the size of the inserted disk, and a clamping driving unit for clamping the disk, the clamping driving unit being interlocked with the selection guide unit. Applicants respectfully submit that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Morikawa et al. and Agostini.

Applicants submit that claims 12-21 depend, either directly or indirectly, from independent claim 11, and are therefore allowable based on their dependence from claim 11 which is believed to be allowable. In addition, claims 12-21 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 11-21 are respectfully requested.

VI. Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

VII. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be

withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

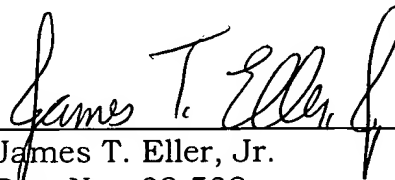
Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
Reg. No.: 39,538

JTE:mmi

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Title of the Invention:

The Title of the Invention has been amended to read as follows:

--DEVICE FOR TRANSFERRING A DISK IN A DISK DRIVE--.

In the Claims:

Claims 1-10 have been canceled.

Claims 11-21 have been added.